

# Grow Together or Perish Alone

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The COVID-19 health crisis has shown that public institutions can tackle major crises with a collaborative approach. During the Aspen Security Forum in 2020, the head of the World Health Organization (WHO) [stated](#):

“For all our differences, we are one human race sharing the same planet and our security is interdependent – no country will be safe, until we’re all safe. I urge all leaders to choose the path of cooperation [...] to end this pandemic. It’s not just the smart choice, it’s the right choice and it’s the only choice we have.”

Is international cooperation a legal duty, especially within the framework of international human rights law? This question arises mainly with regard to the human rights obligations enshrined in Articles 1(3), 2, 55, and 56 of the [UN Charter](#). This contribution argues that in responding to the social, economic and humanitarian emergencies of the planet, States carry individual and collective obligations to promote peace, human rights, and development. Hence, the modern international community has set out the goal to jointly answer the most urgent problems that affect communities around the world and the planet as such.

## The Universal Human Rights System and International Cooperation

States have integrated international cooperation and solidarity, based on a good faith principle, into several international law instruments to highlight this principle’s role in protecting and promoting human rights. In this line, Article 28 of the [Universal Declaration of Human Rights](#) entitles everyone to a “social and international order in which all human rights and fundamental freedoms can be realized”. This provision mirrors the need to look for solutions in a cooperative and collaborative way that targets, protects, and guarantees the most crucial elements of human dignity and a democratic environment. The same spirit can be found in other provisions: For example, Article 2 of the International Covenant of Economic, Social, Cultural Rights ([ICESCR](#)), which enshrines the general obligation to progressively achieve the full realization of the Covenant’s rights, refers to international assistance and cooperation. Likewise, Article 11, dealing with the right to an adequate standard of living, including the right to food, mentions international cooperation. Finally, procedural Articles 22 and 23 of the ICESCR refer to international measures and action.

How can this international legal obligation to cooperate be met? In its [general comment](#) on the obligations of States parties (para. 14), the ESCR Committee in 1990 argued that international cooperation for development and realization of economic, social, and cultural rights was an obligation of all States. The Committee further added that it was particularly incumbent upon those States which can assist others in this regard. In this sense, one could argue that to attain a full realization of

rights, cooperation asks for States to collaborate based on the principle of solidarity and good faith, through the development of norms, implementation of practices amongst institutions and the creation of frameworks to carry out such actions.

This understanding of the principle of cooperation is especially relevant given the unequal distribution of institutional and financial capacities from one set of states to others. One ought to consider that colonialism, social and political strife, amongst other devastating situations have depleted countries (particularly in the Global South), making it more difficult, and sometimes impossible, for them to respond to crises in a coordinated and efficient manner. [The Limburg Principles on the Implementation of the ICESCR](#) further complement the Committee's general comment, especially when referring to fostering cooperation between countries regardless of their political, economic, and social systems. From this follows that the development of countries must be free from prejudices and discrimination.

Despite this cooperative spirit emanating from the above-mentioned international norms, the world still faces many challenges to reach these goals, such as the weakening of certain international organizations from certain States. For instance, during the grave health crisis that the globe is currently experiencing, there still is a lack of overreaching cooperation within states. Particularly the process of access to vaccines (a tool that is crucial to control the pandemic) has been marked by [sovereign hoardings, commercial setback, and unfair deals, amongst other practices](#) that have weakened any attempt for attaining global solidarity. Nevertheless, there is a strong push to strengthen the [COVAX mechanisms](#) and other international information exchange programs to fight the pandemic. Might these mechanisms give a glimmer of hope for international cooperation?

## **Cooperation and Human Rights in the Inter-American System**

In the context of the Inter-American system, the [Charter of the Organization of American States](#) (OAS) reaffirms the relationship amongst its Member States that implicitly establish international cooperation, including through: (c) the principle of good faith; (j) social justice and social security as bases of lasting peace and (k) economic cooperation as an essential element of common welfare and prosperity. The idea of partnering a strong democracy with regional cooperation is also deeply embedded in the [Interamerican Democratic Charter](#), which states that economic, social, and cultural rights are substantial for integral development, economic growth with equity and the consolidation of democracy.

Regarding specific human rights instruments, the [San Salvador Protocol](#) calls for cooperation among states in order to progressively achieve the full realization of economic, social and cultural rights. The Inter-American Court of Human Rights, studying the issue of cooperation as a duty of States for the guarantee of the right to a healthy environment [has considered](#) that:

“The obligation of cooperation involves a series of inter-State duties. [...] The object and purpose of the Convention requires ensuring that States are in the best position to comply with these obligations, when compliance depends, inter alia, on the cooperation of other States.”

In light of the current health crisis, the Inter-American Commission on Human Rights (IACHR) has recently issued a series of statements on how States can meet their human rights obligation in the context of the pandemic (see [here](#), [here](#), and [here](#)). These statements underscore the need for human rights-based public policy from a multidisciplinary approach based on strengthening mechanisms for international cooperation among countries. In [Resolution No. 1/2020](#), the IACHR stated that regional and worldwide coordination is urgently needed to defeat the health crisis and to ensure sustainable efficacy of public policies. This would also enhance the enforcement, according to the Court, of different measures, both domestically and through international cooperation, to ensure the right to health, and other interdependent and interrelated ESCR rights. Afterwards, the IACHR approved [Resolution No. 4/2020](#) where it sets out the basic guidelines needed to guarantee the rights of people suffering from COVID-19, bearing in mind the general prohibition of non-discrimination and the universal application of the principle of equality, while at the same time considering the circumstances of people in situations of special vulnerability.

The Commission, through its office of the [Special Rapporteur on Economic, Social, Cultural and Environmental Rights](#) (REDESCA in Spanish), [has made clear](#) that from an international law perspective a response to the obligations of states required international cooperation to reach the full realization of rights.

### **Working Together to Save Lives**

International cooperation is not only a mechanism that has to be fostered by States. It can also be considered as a goal that is mirrored in international law. Only if they comply with this goal, States fulfill their obligations of protection and respect of all human rights. The above-mentioned statements from the Court and the Commission provide an interpretation to the norms set out in the Inter-American human rights instruments in the context of the current pandemic. They also prove that cooperation is vital and, in turn, is viewed as a legal obligation under international law to address immediate challenges to the well-being of people in situations where broad and massive humanitarian and governmental responses are needed. In the context of the COVID-19 pandemic, cooperation has become a substantial tool for equitable and fair acquisition and distribution of vaccines, especially in the most unequal regions of the world. Hence, it is important to note that for cooperation and the principle of solidarity to be fully effective, a strong democratic environment that allows for inclusion, public participation, and social control of government action is needed, given that these actions can promote accountability.

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